

Appl. No. 09/622,240
Response Dated May 17, 2004
Reply to Advisory Action of April 2, 2004

Remarks/Arguments:

Claims 1-10 are pending in the present application. Applicant requested reconsideration of the rejections that were made final in the Office Action dated December 15, 2004. Those rejections were maintained in an Advisory Action dated April 2, 2004. All claims were rejected as obvious over Wallentin in view of Rahman and Nakamura.

The Applicant has asserted in previous written remarks that none of the references fairly teach or suggest, as recited for example in claim 1, transmitting information *limiting* the transmission power in a macrodiversity connection branch from a drift radio network controller (RNC) to a serving RNC, and transmitting information *controlling* the transmission power of the macrodiversity connection branch from the serving RNC to the drift RNC (emphasis added).

The Examiner summarized Nakamura, the only reference cited as relevant to the above clauses of claim 1, in the final Office Action as follows:

"Nakamura et al discloses a method for controlling transmission powers during a soft handover in a CDMA mobile communication comprising a combining station in which provide [sic] the generated transmission power control information that is based on the received power control interval from either base station to one of the base station [sic] during soft handover (see column 5 and lines 13-column 6 and lines 15)."

The Applicant has argued in writing that the power control interval of Nakamura is not analogous to either transmission power limiting information or transmission power control information as recited in claim 1.

Following the Advisory Action, the Applicant's undersigned representative and the Examiner discussed the claims via telephone on April 23rd, 2004. The Applicant's representative asserted that the power control *interval* of Nakamura, as described at col. 5, lines 13- 31, appears to be a time interval by which a mobile unit periodically modifies its transmission power to facilitate CDMA communications between a base station and the mobile unit. The Examiner did not

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previously view the Nakamura power control interval as relating to a time interval, and responded that he would re-evaluate the Nakamura reference with his supervisor.

During a telephone conversation on May 17th, 2004, the Examiner indicated that upon further review, he and his supervisor agree that Nakamura's power control interval does not provide teachings that anticipate or render obvious the claimed transmission power limiting information and transmission power control information of claim 1.

Claims 1 and 6-9 are the independent claims. While claim 1 is a method claim that is detailed above, the language and scope of each independent claim varies. Claim 6 is an apparatus claim wherein, when the RNC operates as a drift RNC, it comprises means for establishing information limiting the transmission power in a macrodiversity connection and for transmitting it to the serving RNC. Claim 7 is directed to a cellular radio system wherein, to control transmission power where a macrodiversity connection goes between a first RNC to a terminal through a second RNC, the second RNC comprises means for establishing information limiting the transmission power and for transmitting it to the first RNC.

Though a drift RNC transmitting a power envelope to the serving RNC is encompassed within claims 8 and 9, they do not explicitly recite that the drift/second RNC transmits power limiting information to the serving/first RNC, and are therefore not limited only to transmitting that information. Claim 8 is a method claim directed to changing connection parameters in a cellular system, and includes observing that the drift RNC load control demands a change in the connection parameters of a terminal which is communicating through a base station that operates under the drift RNC, and controlling the serving RNC to change the connection parameters of the terminal. Claim 9 is a system claim wherein a branch of a macrodiversity connection goes between a first RNC and a terminal through a second RNC and a base station, and the second RNC comprises means for observing the need to change connection parameters, resulting from load control, and for transmitting the information to the first RNC.

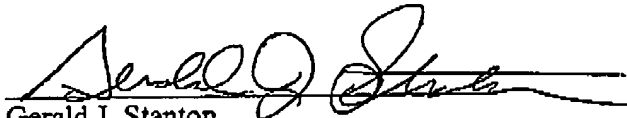
Nakamura was cited as the sole teaching relevant to the above clauses of the independent claims. The power control interval of Nakamura does not appear analogous to transmission power

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limiting information as in claims 1, 6 and 7, or to a change in connection parameters as in claims 8 and 9. As such, the Applicant asserts, and it is believed that the Examiner now agrees, that each of the independent claims patentably distinguish over the references that were cited and relied upon by the Examiner.

Applicant respectfully requests the Examiner to withdraw the outstanding rejections as indicated during the phone conversation of May 17th. Applicant further requests the Examiner to issue an Office Action to that effect prior to June 15, 2004, to avoid the present application being abandoned. The undersigned remains available to discuss or clarify any outstanding issues via teleconference at the Examiner's discretion.

Respectfully submitted:


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